

This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the Village Clerk. Village Council meetings from June 8, 2016 forward can be viewed online at <http://estero-fl.gov/council/watch-meetings-online/>. Staff reports, resolutions, ordinances, and other documents related to this meeting are available at <https://estero-fl.gov/agendas/> at the corresponding agenda date.

**APPROVED BY COUNCIL
MARCH 20, 2019**

FINAL ACTION AGENDA/MINUTES

VILLAGE COUNCIL MEETING

**Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928
February 20, 2019 9:30 a.m.**

1. CALL TO ORDER 9:30am

PLEDGE OF ALLEGIANCE

INVOCATION: Pastor Tim Carson – Estero Methodist Church

ROLL CALL: Present: Mayor Jim Boesch - District 5, Vice Mayor Bill Ribble - District 1, Councilmember Howard Levitan - District 2, Councilmember Jon McLain - District 3, Councilmember Katy Errington - District 4, Councilmember Nick Batos - District 6, and Councilmember Jim Wilson - District 7.

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, Assistant to Village Manager Kyle Coleman, Public Works Director David Willems, Finance Director Lisa Roberson, Community Development Director Mary Gibbs, and Deputy Village Clerk Tammy Duran.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Move to approve the agenda.

Motion by: Councilmember Wilson

Seconded by: Vice Mayor Ribble

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS: None

4. **PROCLAMATIONS:**

- (a) Cody Hutcheson – Cambridge Award
- (b) Bryana McCarthy – Cambridge Award
- (c) Valeria Molinary – Cambridge Award
- (d) Estero High School – Students recognized for Outstanding Performance by Cambridge Assessment International Education
- (e) Clayton Simmons, Estero High School Principal

5. **CONSENT AGENDA:**

- (a) Financial Report for the Month Ending December 31, 2018
- (b) Intersection Improvements Design – Williams Road & Atlantic Gulf Boulevard

Recommended Action: Motion to approve Supplemental Task Authorization (STA)-1 under CN 2018-02 Miscellaneous Professional Services to AIM Engineering & Surveying, Inc. to perform a suite of design services for the Williams Road & Atlantic Gulf Boulevard Intersection Improvements Project.

Financial Impact: The Village of Estero will pay up to \$79,275.08 for the proposed services.

- (c) Trailside Drive and Poinciana Avenue Resurfacing

Recommended Action: Motion to approve Supplemental Task Authorization (STA)-2 under CN 2018-02 Miscellaneous Professional Services to AIM Engineering & Surveying, Inc. to perform a suite of design services for the Trailside Drive and Poinciana Avenue resurfacing.

Financial Impact: The Village of Estero will pay up to \$54,202.52 for the proposed services.

- (d) Emergency Notification System: Memorandum of Agreement with Lee County

Recommended Action: Move to approve the Village Manager to sign the Memorandum of Agreement.

Financial Impact: This represents zero financial impact to the Village (the State of Florida holds the contract with Everbridge, and therefore, any applicable costs of the agreement).

Public Comment: None

Motion: Move to approve consent agenda

Motion by: Councilmember McLain

Seconded by: Vice Mayor Ribble

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

Questions or Comments: None

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA: None

7. ACTION ITEMS:

- (a) Request for Attorney/Client Session on February 27, 2019 Pursuant to 286.011(8), Florida Statutes Relating to the Following Cases: Argo Corkscrew Crossing, LP, Argo US, LLC, Argo Land US, LLC and Templeton Family Trust v. Village of Estero, DOAH Case No. 18-3613GM; and Village of Estero v. Argo Corkscrew Crossing, LP, Argo US, LLC, Argo Land US, LLC and Templeton Family Trust v. Village of Estero, SFWMD No. 2019-015-DAO-ERP

Persons Attending the Attorney/Client Session:

Mayor James Boesch
Vice Mayor Bill Ribble
Councilmember Howard Levitan
Councilmember Jon McLain
Councilmember Katy Errington
Councilmember Nick Batos
Councilmember Jim Wilson
Attorney Nancy Stroud
Attorney Gary Oldehoff
Attorney Derek Rooney
Attorney Jeffrey Hinds
Attorney Jay Bartlett
Village Manager Steve Sarkozy
Terri Lewis, Court Reporter

Executive session to begin at 11:00 a.m.

Questions or Comments: None

Public Comments: None

Recommended Action: Move to schedule an Attorney/Client Session on February 27, 2019 Pursuant to 286.011(8), Florida Statutes.

Motion by: Councilmember Wilson

Seconded by: Councilmember Batos

Action: Move to schedule an Attorney/Client Session on February 27, 2019 Pursuant to 286.011(8), Florida Statutes

Vote:

Aye: Unanimous (Roll Call vote)
Nay:
Abstentions:

(b) Amendment One – Contract for US 41 Landscape Design

Recommended Action: Move to approve Amendment One to Contract EC 2018-06 with Kimley-Horn and Associates, Inc. to add Task 6 – Additional FDOT Coordination/Design Variation Submittal for the US 41 Landscape Design project.

Financial Impact: Task 6 will be performed for the additional lump sum fee of \$9,500.

Questions or Comments: None

Public Comments: None.

Motion by: Councilmember Errington
Seconded by: Councilmember Batos

Action: Move to approve Amendment One to Contract EC 2018-06 with Kimley-Horn and Associates, Inc. to add Task 6 – Additional FDOT Coordination/Design Variation Submittal for the US 41 Landscape Design project.

Vote:
Aye: Unanimous (Roll Call vote)
Nay:
Abstentions:

Recessing to Workshop

The Workshop was moved to this place on the agenda due to there being time before the Executive Session.

13. WORKSHOP ITEMS:

(a) Public Works Projects Update

Village Manager Sarkozy provided an introduction. Public Works Director Willems presented a PowerPoint presentation to update current/future projects in the Village including Estero Parkway, Coconut Road Traffic Study, the bike/pedestrian master plan, US-41 median landscaping, Corkscrew Road/Lowes intersection, Parks and Recreation Master Plan, Estero on the River, water monitoring, and Stormwater Master Plan update at next Council Meeting, and major roadway repairs.

Questions or Comments: Councilmembers had questions if the road work would be done by next season to help the traffic flow, if projects are still on budget, and the best way to do the septic conversion. Councilmember Levitan asked if the Council can create an ordinance to have testing to see if the septic system is failing.

9. PUBLIC COMMENT ON NON-AGENDA ITEMS: None

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Vice Mayor Ribble stated he went to the MPO executive meeting last week. They had a huge discussion regarding motorized scooters on sidewalks and shared walkways. He stated that he would like to Council to look at House Bill 453 and see if the Village should come up with their own Ordinance.

Councilmember Levitan asked Village Attorney Saunders if he had an update on short term rentals. Village Attorney Saunders stated there is a Senate Bill 812 that will prohibit local municipalities from regulating rentals and it is very limited on what the Village is able to do.

Councilmember Batos asked if a date could be set aside for Peer Review. He stated on February 25th, the LPA will have a hearing to reduce restrictions on wetlands and that decision will greatly affect the mining in our area.

11. VILLAGE ATTORNEY'S REPORT

Village Attorney Saunders remarked on a few bills that are currently going through the State Legislation. Senate Bill 588 is prohibiting local governments from banning plastic straws. Another bill is to prohibit local governments from regulating vegetable gardens on single family lots. One final bill in the early stages is looking to prohibit the regulations local governments can put on businesses.

12. VILLAGE MANAGER'S REPORT

Village Manager Sarkozy stated that there are discussions ongoing with the school district and Lee County. We seek the Council's approval to take our talks to the next level with Lee County and to begin preliminary talks regarding new projects and collaboration of using joint facilities. Council gave their approval to move forward and for Councilmember McLain to serve as Council liaison to monitor or be part of those discussions.

The litigation brought forth by six cities in Lee County against South Florida Water Management District has gotten very complex and went beyond the original estimate. Each of the cities has now been asked to contribute \$30,000. The Village Manager is asking for the Council approval.

Action: Motion to approve the Village Manager to expend up to \$30,000 for the litigation against South Florida Water Management District.

Questions or Comments: Councilmembers commented on whether the Village should have to spend \$20,000 or \$30,000.

Public Comments: None.

Motion by: Councilmember McLain
Seconded by: Vice Mayor Ribble

Vote:

Aye: Unanimous (Roll Call vote)

Nay:

Abstentions:

Meeting adjourned to Executive Session at 11:10 a.m.

11:00 a.m. 8. ATTORNEY/CLIENT SESSION PURSUANT TO 286.011(8), FLORIDA STATUTES RELATING TO THE FOLLOWING CASES:

Argo Corkscrew Crossing, LP, Argo US, LLC, Argo Land US, LLC and Templeton Family Trust v. Village of Estero, DOAH Case No. 18-3613GM; and

Village of Estero v. Argo Corkscrew Crossing, LP, Argo US, LLC, Argo Land US, LLC and Templeton Family Trust v. Village of Estero, SFWMD No. 2019-015-DAO-ERP

(a) CHAIR ANNOUNCEMENT

(b) CLOSE THE OPEN MEETING AND COMMENCE ATTORNEY/CLIENT SESSION

Persons Attending the Attorney/Client Session:

Mayor James Boesch
Vice Mayor Bill Ribble
Councilmember Howard Levitan
Councilmember Jon McLain
Councilmember Katy Errington
Councilmember Nick Batos
Councilmember Jim Wilson
Attorney Nancy Stroud
Attorney Burt Saunders
Attorney Jeffrey Hinds
Attorney Jay Bartlett
Village Manager Steve Sarkozy
Terri Lewis, Court Reporter

(c) REOPEN MEETING / CHAIR ANNOUNCEMENT

Council reconvened at 12:02 p.m.

14. ADJOURNMENT

Action: Roll taken to adjourn

Vote:

Aye: Unanimous (Roll Call vote)

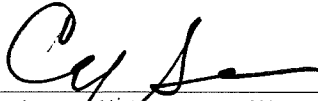
Nay:

Abstentions:

Meeting adjourned at 12:12 p.m.

ATTEST:

VILLAGE OF ESTERO, FLORIDA

By: 
Kathy Hall, MMC, Village Clerk
on behalf of Kathy Hall

By: 
Bill Ribble, Mayor

If you desire to address the Council, please complete a Public Comment Card and return it to the Village Clerk. Citizens desiring to speak must step up to the podium, state their full name and address, and whom he or she represents.

ADA Assistance – Anyone needing special assistance at the Board meeting due to a disability or physical impairment should contact Village Clerk Kathy Hall, 239-221-5033, at least 48 hours prior to the meeting.

Pursuant to Section 286.0105, Florida Statutes:

“If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a recording of the proceeding, and that, for such purpose, he or she may need to ensure that a verbatim recording of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.”